

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference L0012/PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP2004/053592	International filing date (day/month/year) 17.12.2004	Priority date (day/month/year) 31.12.2003
International Patent Classification (IPC) or both national classification and IPC INV. C09J153/02		
Applicant KRATON POLYMERS RESEARCH B.V. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of    sheets.

- This report contains indications relating to the following items:
 

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input checked="" type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand  12.04.2005	Date of completion of this report  17.05.2006
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Hammond, A  Telephone No. +31 70 340-4253  

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP2004/053592

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, Pages

1-26 as originally filed

### Claims, Numbers

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

**see separate sheet**

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. .

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-10
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP2004/053592

**Re. Item I**

**Basis of the report**

1. This file was re-received by this examiner on 11/5/06. This written opinion is based on the claims 1-10 as filed (see Items IV and V below).

**Re. Item IV**

**Lack of unity of invention**

1. The present application is considered to appear to be non-unitaire (claims 1-5,8-10 ; claims 6-7) in consideration that the present application claims, and particularly claim 1, do not seem to be novel and inventive (see Item V below). Consequently the present application's adhesive compositions do not appear to contain any "special" technical features within the meaning of Rule 13.2 PCT, that is technical features that define a contribution over the prior art, and thus the present application does not appear to meet the requirements of Rule 13.1 PCT for lack of unity.

In this particular PCT case, a decision has been made not to invite the applicant to pay additional fees.

**Re. Item V**

**Reasoned statement with regards to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The following documents are cited in the present opinion. The numbering will be adhered to during the rest of the proceedings :

D1 WO02057386

D2 DE2942128

2. D1 is considered to disclose the adhesive compositions which seem to be as described in the application claim 1.

The disclosures of D1 (claims 1-10 ; page 5, line 6 - page 6, line 7 ; Tables 1, 2 (isoprene/butadiene ratios) ; page 15, line 13 (polymer 3a) ; page 6, line 22-25 ; page 8, line 8 - page 9, line 24 ; page 11, line 3-9 ; tables ; examples ; page 1, line 8-10 ; page 10, line 29 - page 11, line 19), appear to be novelty-attacking for the subject-matter of the present claims 1-10 in consideration of the Guidelines, C, III, 4.7a for the physical measurement of parameters.

The disclosures of D2 (claim 1 ; page 8, line 15-26 ; page 4, line 16 - page 6, line 3 ; page 13, line 16-29 ; page 8, line 28 - page 11, line 19 ; page 11, line 21 - page 13, line 15) appear to be novelty-attacking for the subject-matter of the present claims 1-10 in consideration of Guidelines, C, III, 4.7a for the physical measurement of parameters. It is noted that the examples such as disclosed in D1 are considered as illustrations of adhesive compositions which fall within the scope of the overall document teachings rather than specific limiting disclosures.